

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

MICHAEL SPEED

CRIMINAL No. – JFM-10-0700

MEMORANDUM

This case has been remanded to this court by the United States Court of Appeals for the Fourth Circuit.

I will assume that counsel was ineffective and did not file a notice of appeal on behalf of Michael Speed. Making this assumption will save the Government the cost of returning defendant to Baltimore and will save significant time and expense for the parties. The Clerk of the Court is directed to enter a new criminal judgment against Speed so as to commence his final appeal period anew. As to the substance of Speed's claim, I find that Speed's history of depression, anxiety, bi-polar disorder and regime of taking prescribed medicines did not result in an inability to process information or reason. Indeed, Speed's discovery of mistakes in the original plea agreement letter shows that he was fully competent. In any event, I do not find that Speed's alleged diminished capacity contributed to the commission of the offenses to which he pled guilty. *See, e.g., United States v. Withers*, 100 F.3d 1142, 1148 (4th Cir. 1996).

In order to assure that Speed's appeal is timely processed, I will order the issuance of a certificate of appealability.

BY
CLERK'S OFFICE
AT BALTIMORE
Date: *August 14, 2016*
2016 AUG - 14 AM 11:14
FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

J. Frederick Motz
J. Frederick Motz
United States District Judge